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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/670,001	09/24/2003	Kenneth James Park	SLA.1277	6228

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EXAMINER
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JACKSON, BLANE J

ART UNIT	PAPER NUMBER
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2618

DATE MAILED: 12/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/670,001	Applicant(s) PARK ET AL.	
	Examiner Blane J. Jackson	Art Unit 2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 March 2006.  
 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.  
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
 6) ☒ Claim(s) 1-16 is/are rejected.  
 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \* c) ☐ None of:  
         1. ☐ Certified copies of the priority documents have been received.  
         2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
         3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

As pointed out by the applicant, the mobile communication device (MCD) comprises a CCD camera, user interface and an algorithm to interpret the data to read and store the optical data. Further, the applicant asserts the algorithm is operable to decide whether the volume of data gathered by the CCD can be stored in a single file in the MCD memory or whether more than one file will be required and operable to convert the data into a graphical representation. However, this function of the MCD as amended is not sufficiently supported in the Specification or Drawings. Further, the independent claim preamble states, "acquiring data filed in a mobile communication device" which confuses the function of the mobile communication device to reading and storing (the same) data. These issues are addressed in the rejection to follow.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112: .

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-16 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to

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one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The independent claims have been amended to assign functional steps to the mobile communication device that is not clearly supported by the Specification or Drawings. With respect to the Specification, page 4 line 15 to page 5, line 7, it is understood a device that can transfer data renders new data to be updated or stored in the PDC in computer readable form and the portable communication device (PCD) reads and stores the graphic representation. It is not clear as to further functional capability or a physical manifestation of the data transfer device as it is not associated with the method steps or the PCD depicted in the Drawings. Specifically, the Specification indicates three method steps of the independent claims: "The new data...is first rendered in computer readable form", "The method of the invention determines if the data can be stored in a single graphics file" and "In the method of the invention, the PRL data is converted into a graphical representation or bar-code" where the "method of the invention" in itself is not enabling, does not contain sufficient information as to **what device** is performing the method steps of determining if the data can be stored in a single graphics file and converting the data into plural graphic files if required.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

The preamble of claims 1, 7 and 12 indicates, "acquiring data filed in a mobile communication device (MCD or PCD) having data storage locations" where the body of the claim indicates a method for the mobile communication device to read and store data. It is unclear as to the role of the PCD in the claims, to process and read data of itself or from a second device.

Clarification of the claims in view of the Specification is required.

With a view to these USC 112 issues, a search of prior art was performed to encompass the claim elements interpreted to comprise a mobile communication device equipped to provide a graphic representation (barcode) and the ability to read the presented graphic data using an optical data capture mechanism (CCD) *by another similarly equipped* mobile communication device.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-4 and 12-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Airas (US 2005/0119032).

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As to claim 1, Airas teaches a method of acquiring data filed in a mobile communication device, having data storage locations, wherein the mobile communication device includes an optical data capture mechanism comprising:

Providing data in a computer readable form (figures 3 and 8, a mobile communication terminal with a graphic editor application allows the user to present a barcode or other graphic symbols for display on the phone as an optical message, paragraphs 0067-0073),

Determining if the data can be stored in a single graphics file (the optical message contained in the graphic data is selected by the user, paragraph 0073),

Converting data to a graphic representation (paragraph 0073),

Reading and storing the graphic representation with the optical capture mechanism in the mobile communication device (displayed barcode displayed and captured by a built in camera (35), paragraph 0079 and storing: paragraph 0076, applications include information or data exchange, paragraph 0086).

As to claim 2 and 13 with respect to claims 1 and 12, Airas teaches if data cannot be stored in a single graphic file, converting the data to plural graphic representations (submenu item "create messages" gives access to a graphic editor application to select symbols to be displayed where a barcode includes a given amount of information, paragraph 0073).

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As to claim 3, Airas teaches the method of claim 1 wherein storing includes capturing the graphic representation, determining if the graphic representation is successfully captures (phone comprises an optical character recognition application to recognize characters in text and symbols captured by the camera paragraph 0079) decoding the graphic representation (encoding outgoing messages and decoding when received by the camera, paragraph 0084) and storing the decoded graphic representation in the mobile communication devices data storage location (paragraph 0076).

As to claims 4 and 14 with respect to claims 1 and 12, Airas teaches the method of claim 3 further includes reading the graphic representation until capture is successful if the graphic representation is not successfully captured, where this would be an inherent function of the optical character recognition application, paragraph 0079.

The claim elements for claim 12 are a combination of claims 1 and 3 discussed above.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5, 6, 15 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Airas (US 2005/0119032) with a view to Hayes, Jr. et al. (US 5,974,312).

As to claims 5 and 6 with respect to claim 1, Airas teaches a method for wireless information or data exchange between mobile communication devices through the presentation and capture of graphic images, paragraph 0086, but does not teach capturing a factory default setting to restore factory default setting or a preferred roaming list data in the mobile communication device.

Hayes teaches a method for wireless reprogramming of memories in electronic communication devices where the short range wireless link comprises a channel other than an RF channel such as an infrared channel or magnetic coupling, column 3, line 65 to column 4, line 23. The wireless programmer is used to correct the memories of devices which have been manufactured and packaged but with errors in a stored program code or operational parameters as well as update the memory of the device which has been distributed to the end user, column 4, line 57 to column 5, line 20.

It would have been obvious to one of ordinary skill in the art at the time of the invention to utilize the optical data exchange method of Airas as the wireless communication method of Hayes as a convenient alternative for a short range wireless link between the wireless programmer and mobile communication device.



As to claims 7 and 11, Airas teaches a method of acquiring *data* filed in a mobile communication device, having data storage locations, wherein the mobile communication device includes an optical data capture mechanism comprising:

Providing data in a computer readable form (figures 3 and 8, a mobile communication terminal with a graphic editor application allows the user to present a barcode or other graphic symbols for display on the phone as an optical message, paragraphs 0067-0073),

Determining if the data can be stored in a single graphics file (the optical message contained in the graphic data is selected by the user, paragraph 0073),

Converting data to a graphic representation (paragraph 0073),

Reading and storing the graphic representation with the optical capture mechanism in the mobile communication device (displayed barcode displayed and captured by a built in camera (35), paragraph 0079 and storing: paragraph 0076, applications include information or data exchange, paragraph 0086).

Airas teaches a method for wireless information or data exchange between mobile communication devices through the presentation and capture of graphic images, paragraph 0086, but does not teach capturing a factory default setting to restore factory default setting or a preferred roaming list data in the mobile communication device.

Hayes teaches a method for wireless reprogramming of memories in electronic communication devices where the short range wireless link comprises a channel other than an RF channel such as an infrared channel or magnetic coupling, column 3, line 65 to column 4, line 23. The wireless programmer is used to correct the memories of

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devices which have been manufactured and packaged but with errors in a stored program code or operational parameters as well as update the memory of the device which has been distributed to the end user, column 4, line 57 to column 5, line 20.

It would have been obvious to one of ordinary skill in the art at the time of the invention to utilize the optical data exchange method of Airas as the wireless communication method of Hayes as a convenient alternative for a short range wireless link between the wireless programmer and mobile communication device.

As to claim 8 with respect to claim 7, Airas teaches if preferred roaming list data cannot be stored in a single graphic file, converting the data to plural graphic representations (submenu item "create messages" gives access to a graphic editor application to select symbols to be displayed where a barcode includes a given amount of information, paragraph 0073).

As to claim 9 with respect to claim 7, Airas teaches storing includes capturing the graphic representation, determining if the graphic representation is successfully captures (phone comprises an optical character recognition application to recognize characters in text and symbols captured by the camera paragraph 0079) decoding the graphic representation (encoding outgoing messages and decoding when received by the camera, paragraph 0084) and storing the decoded graphic representation of the preferred roaming list data in the mobile communication devices preferred roaming list data storage location (paragraph 0076).

As to claim 10, Airas teaches the method of claim 3 further includes reading the graphic representation until capture is successful if the graphic representation is not successfully captured, where this would be an inherent function of the optical character recognition application, paragraph 0079.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Blane J. Jackson whose telephone number is (571) 272-

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7890. The examiner can normally be reached on Monday through Friday, 8:30 AM-6:00 PM, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on (571) 272-7899. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

BJJ

  
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